

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:) Confirmation No.: 3032
Kimbolt Young, et al.) Group Art Unit: 3739
Serial No.: 10/684,086) Examiner: Rollins, Rosiland Stacie
Filed: October 10, 2003)
For: **MULTI-ZONE BIPOLAR
ABLATION PROBE ASSEMBLY**)

)

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This letter is in response to the Office Action, dated March 24, 2006. Claims 1-47 remain pending in this application, none of which has been amended. Based on the following remarks, reconsideration and allowance of this application is respectfully requested.

Claims 1-5, 7, 9-17, 19, 23, 25-30, 32, 34-39, and 41-46 stand rejected under 35 U.S.C. §103, as being obvious over U.S. Patent Publication No. 2002/0022864 to Mahvi, et

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below via the USPTO EFS-Web filing system.

6/23/06
Date of Deposit


Jocelyn L. Lee

al. ("Mahvi"). Applicant respectfully traverses this rejection, since Mahvi does not disclose, teach, or suggest the combination of elements required by these claims.

In particular, the Examiner states that, although Mahvi does not disclose another electrode that is common to the two electrode elements to form bipolar electrode pairs, the Examiner concludes that to incorporate this feature into the Mahvi device "would have been obvious to one of ordinary skill in the art at the time of the invention was made, since it has been held that a mere duplication of essential working parts involves only routine skill in the art." Applicant disagrees, since the inclusion of the common electrode between the two electrode elements to form bipolar electrode pairs is not a mere duplication of essential working parts in the Mahvi device.

In particular, the Mahvi device conveys electrical current between first and second electrode arrays to create a single bipolar electrode pair. A mere duplication of essential working parts in this case would involve conveying electrical current between third and fourth electrode arrays to create another bipolar electrode pair without changing the function, effect, or result of the first bipolar electrode pair. In contrast, the claimed invention uses a common electrode element between two electrode elements to create two bipolar electrode arrangements, each of which is more closely spaced than if electrical energy were to be conveyed between the two electrode elements. That is, by adding an electrode element, the distance that the electrical energy needs to travel from each of the two electrode elements to the common electrode element will be equal to one-half the spacing between the two electrode elements, thereby effectively cutting the distance that the electrical energy has to travel between electrode elements in half. (See page 15, line 21 to

page 16, line 3 of the specification). As a result, the ablation process is made more efficient. (See page 21, lines 15-20).

Thus, Applicant submits that claims 1-5, 7, 9-17, 19, 23, 25-30, 32, 34-39, and 41-46 are not obvious over Mahvi, and as such, respectfully request withdrawal of the §103 rejection of these claims.

Conclusion

Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

VISTA IP LAW GROUP LLP

Dated: 6/23/06

By:



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